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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/926,086      | 09/19/2001  | Guy Azam             | P21314              | 3803             |

7055 7590 05/23/2003

GREENBLUM & BERNSTEIN, P.L.C.  
1950 ROLAND CLARKE PLACE  
RESTON, VA 20191

EXAMINER

SMITH, JAMES G

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3765

DATE MAILED: 05/23/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

EC

|                              |                 |              |  |
|------------------------------|-----------------|--------------|--|
| <b>Office Action Summary</b> | Application No. | Applicant(s) |  |
|                              | 09/926,086      | AZAM ET AL.  |  |
|                              | Examiner        | Art Unit     |  |
|                              | James G Smith   | 3765         |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 January 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
     If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
     a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 11-13, 15, 19, 20, 23, 24, 27-32, and 35-41 are rejected under 35 U.S.C. 102(b) as being anticipated by Hansen et al. (DE 197 10 702 A 1). Hansen discloses a tight lace-up device for bringing two portions of footwear closer together. With respect to Claim 11, 27, and 31, the device comprises a tightening zone with return elements (detail 4), said elements located along the path of the linkage (detail 2), the linkage forming a loop outside the tightening zone, a means for locking the linkage (detail 9), and a gripping device (detail 5) for the user to pull with at least one hand. With respect to Claim 12 and 41, the gripping device is more rigid than the lace. With respect to Claim 13, the frame of the gripping device is complementary of at least three fingers of the hand of the user. With respect to Claims 15-18 and 23, the locking device (detail 9) is located just above the return elements in the tightening zone and maintains the tension in the tightening zone. With respect to Claim 19, the linkage is a normal type shoelace, which is flexible and substantially non-stretchable. With respect to Claim 20, the locking means (detail 9) is a locking element in that when the strap is cinched around the footwear it locks the linkage loop in place. With respect to Claims 21 and 22, the linkage loop has two portions outside the tensioning zone. The two portions are spaced apart by the gripping device. With respect to Claims 24 and 33, FIG 3. of Hansen shows a locking structure contained within the last of the

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return elements. The locking elements slidably engage the linkage loop. With respect to Claim 26, the locking structures in the last return elements maintain the tension level in the lower half of the linkage loop independently from the upper portion of the linkage loop. With respect to Claim 28-30, 32, 35, 36, and, 40 the last return elements have locking structures that maintain the tension level of the linkage loop. With respect to Claim 34, the footwear has a high upper above a lower portion. With respect to Claim 37 and 38, a single continuous lacing would make the linkage loop as shown FIG. 10. With respect to Claim 39, FIG. 6 shows the lower tension portion covering from the metatarsophalangeal articulation area to the ankle area.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen in view of McVey (4,791,702). Hansen essentially teaches the invention in the instant application, but fails to specifically require the gripping means having cavities for a user's finger. McVey teaches the use of cavities for a user's fingers in a carrying handle and would be an obvious variation to the gripping means disclosed in Hansen. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the gripping means of Hansen with the teaching of McVey to make a more ergonomically suitable gripping means.

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3. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen. Hansen essentially teaches the invention of the instant application but fails to specifically disclose there being hooking means attaching the linkage loop to the gripping means. Hooking means are deemed to be a simple design choice which offers no benefit over any other attaching means such as those present in the Hansen teaching.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James G Smith whose telephone number is 703-605-4225. The examiner can normally be reached on 8:00-5:00, off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J Calvert can be reached on 703-305-1025. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3590 for regular communications and 703-308-0758 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

JGS  
May 20, 2003

  
JOHN J. CALVERT  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700